

Item No.	Application and Parish	No. 8/13 Week Date	Proposal, Location and Applicant
(3)	12/02420/FULD. Compton	30 th November 2012	Proposed dwelling. 20 Manor Crescent, Compton, Newbury. Mr And Mrs Pipikakis.

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=12/02420/FULD>

Recommendation Summary: To **DELEGATE** to the Head of Planning and Countryside to **GRANT** permission subject to the completion of a Section 106 agreement by 13th February 2013.

Or

Should the legal agreement not be completed by 13th February 2013 to **DELEGATE** to the Head of Planning & Countryside to **REFUSE** planning permission, where expedient, for the following reason:-

The development fails to provide an appropriate scheme of works or off site mitigation measures to accommodate the impact of development on local infrastructure, services or amenities or provide an appropriate mitigation measure such as a planning obligation. The proposal is therefore contrary to government advice, Policy CC7 of the South East Plan, The Regional Spatial Strategy for South East England 2006-2026 May 2009 and Policy CS5 West Berkshire Core Strategy 2006-2026 as well as West Berkshire District Council's adopted SPG4/04 – Delivering Investment from Sustainable Development.

Ward Member(s): Cllr Von Celsing.

Reason for Committee determination: Called to Committee by the Development Control Manager.

Committee Site Visit: 17th January 2013

Contact Officer Details

Name: Jake Brown
Job Title: Senior Planning Officer
Tel No: (01635) 519 111
E-mail Address: JPBrown@westberks.gov.uk

1. Relevant Site History

Application Reference: 12/00301/FULD – New two storey dwelling. Application withdrawn.

2. Publicity of Application

Site notice expired 9th November 2012.

Neighbour Notification expired 30th October 2012.

3. Consultations and Representations

Parish Council: Object: Not in keeping with Parish Design Statement.

Highways Officer: Two parking spaces are shown for the existing dwelling with one space for the proposed dwelling. Given that this is a two bedroom dwelling in one of the less sustainable locations within the District it is preferable to see two parking spaces for the proposed dwelling. However, it would be difficult to sustain a refusal on this basis alone. As such highways are unable to object to this application on the basis of the provision of one parking space.

The absence of on-site vehicle turning will mean that vehicles will be required to either enter or exit the access/drive via a relatively long reversing movement. If this grassed area is utilised by children then this could be to the detriment of pedestrian/children safety.

Provision has been made within the rear garden for refuse and cycle storage. Need to ensure that refuse and cycles can be manoeuvred down the access path to the front of the dwelling.

Thames Water : No objections.

Public Protection: No objections subject to a condition restricting construction hours of work.

Ecologist: No objections.

Drainage Officer: Surface water runoff must be disposed of using sustainable drainage methods as runoff to the main sewer is not acceptable. Any new paved areas shall be formed of permeable paving.

Access Officer: No response received.

North Wessex No response received.

Downs AONB:

Ministry of Defence: No response received.

Representations: 6 letters of objection received citing: loss of financial value; precedent; impact on AONB; impact on character of area; increase in parked cars; impact on neighbouring properties; out of keeping with the area including garden size; impact on sewer system; increased traffic; impact on open space.

4. Policy and Legislation Considerations

4.1 The West Berkshire Core Strategy 2006 – 2026 has recently been adopted by the Council and as such now forms the Local Plan. Therefore the following policies carry significant weight in the decision making process:

- Area Delivery Plan Policy 1: Spatial Strategy
- Area Delivery Plan Policy 2: Newbury.
- CS 1 Delivering New Homes and Retaining the Housing Stock
- CS 4: Housing Type and Mix
- CS 5: Infrastructure Requirements and Delivery
- CS 13: Transport
- CS 14: Design Principles
- CS 15: Sustainable Construction and Energy Efficiency
- CS 16: Flooding
- CS 19: Historic Environment and Landscape Character

4.2 The West Berkshire Core Strategy 2006 – 2026 replaced a number of Planning Policies in the West Berkshire District Local Plan 1991-2006 Saved Policies 2007. However the following Policies remain in place until they are replaced by development plan documents and should be given due weight according to their degree of consistency with the National Planning Policy Framework:

- HSG1: The Identification of Settlements for Planning Purposes
- TRANS1: Meeting the Transport Needs of New development

4.3 In addition Policies SP3, CC1, CC4, CC6, CC7, H4, H5, T4 and BE2 of the Regional Spatial Strategy for the South East of England 2009 are relevant. Please note that the Localism Act 2011 gives the Secretary of State the authority to abolish regional strategies. Although the RSS presently remains in force, the Secretary of State has previously indicated his intentions for its abolition. In the meantime, paragraph 214 of the NPPF advises that for 12 months from the days of its publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework.

4.4 Other material considerations for this application which includes government guidance are:-

- The National Planning Policy Framework (March 2012) (NPPF)
- Supplementary Planning Document “Quality Design” (adopted June 2006)
- Compton Village Design Statement (2005)
- Supplementary Planning Guidance SPG 04/4 “Delivering Investment from Sustainable Development” (adopted 2004)

- The Wildlife and Countryside Act 1981 (as amended).
- The Conservation of Habitats and Species Regulations 2010
- Circular 11/95 - The use of conditions in planning permissions

5. Description of Development

This application seeks permission for the erection of a two bedroom detached dwelling to the side of an existing semi-detached dwelling. Access across the open space to the front of the application site is permitted by the easement submitted with the application however a dropped kerb is required which should be obtained via a highways licence.

6. Consideration of the Proposal

The main issues to consider are:-

The principle of the development

The impact on the character of the area and AONB

The impact on neighbouring amenity in terms of:-

- sunlight
- daylight
- overlooking / privacy
- noise and disturbance
- overbearing

6.4 Highway Matters

6.5 Other Matters

6.1 Principle of Development

6.1.1 The site is located within the settlement boundary of Compton as designated by Policy HSG1 of the WBDLP as well as the North Wessex Downs Area of Outstanding Natural Beauty (AONB). As such the principle of residential development is considered acceptable in accordance with Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 and Policy CS1 of the West Berkshire Core Strategy 2012.

6.2 The impact on the character of the area and AONB

6.2.1 The application site is located within a built up residential area and is relatively flat. Properties in the surrounding area comprise semi-detached dwellings of similar appearance as well as some detached and terraced bungalows.

6.2.2 The proposed dwelling is to be located to the side of No. 20 Manor Crescent and would be set slightly back from the existing dwelling at No. 20 Manor Crescent. The proposed dwelling would have a relatively simple appearance, similar to the neighbouring properties, and would match the existing surrounding dwellings in terms of height. The proposed dwelling would result in a minimal increase to the density of development of the area.

- 6.2.3 The introduction of a dwelling between the existing house at No.20 Manor Crescent and the property at No.22 Manor Crescent is considered to reduce the gap that exists between the built forms in this part of the street scene. However as a result of the single storey extension to the side of No. 22 Manor Crescent this is considered to be limited and no significant terracing effect to warrant a refusal would occur.
- 6.2.4 With regard to the Compton Village Design Statement the proposal is not considered to impact upon the open green space to the front of the application site as the access to the site is already permitted by an easement. Furthermore the proposal is considered to reflect the mono-style estate that surrounds the application site with similar details, fenestration and materials proposed. This can be controlled further through the use of a condition requiring samples of materials to be submitted and approved by the Local Planning Authority.
- 6.2.5 The design and appearance of the proposed dwelling is considered to retain the character of this part of the village and not impact on views out to the countryside in accordance with the village design statement. As previously mentioned the development proposed would be sympathetic in scale and design to the surrounding area and is not considered to introduce a significant terracing effect through inappropriate infilling. As such the proposal is considered, on balance, to accord with the design guidelines detailed in the village design statement.
- 6.2.6 In respect of the amenity provision for the proposed and existing dwelling the scheme would result in rear garden areas of approximately 160 square metres and 240 square metres respectively. As such the proposal would be in accordance with the guidance contained within Supplementary Planning Document 'Quality Design' and the proposed amenity provision is not considered to be at odds with the prevailing character of the area.
- 6.2.7 The application site is located within the AONB and within an existing built up residential area. The introduction of an additional dwelling in this location is not considered to significantly impact on the natural landscape and scenic beauty of the AONB.
- 6.2.8 Therefore the application is considered to maintain the character and appearance of the street scene and AONB in accordance with the National Planning Policy Framework as well as Policies CS1, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy HSG1 of the WBDLP and Supplementary Planning Document – Quality Design as well as the Compton Village Design Statement.

6.3 The impact on neighbouring amenity

No openings are proposed on the southern side elevation of the dwelling and the dwelling would be located to the north of the neighbouring property No.22 Manor Crescent. As such it is not considered that the dwelling would introduce any significant impacts in terms of overshadowing, loss of privacy or overbearing impact on the amenity of neighbouring dwellings.

The application is therefore not considered to result in any significant detrimental impact on the amenities of neighbouring properties in accordance with the National Planning Policy Framework as well as Policy CS14 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document – Quality Design.

6.4 Highways Matters

- 6.4.1. The application site would be accessed across the open space area to the front of the site. A legal agreement exists which permits vehicular access across the open space to the property at No.20 Manor Crescent and the application site.
- 6.4.2. The Highways Officer has reviewed the application and whilst two parking spaces would be preferred for the proposed dwelling the provision of one off-road parking space is not considered sufficient enough to warrant a refusal. As no turning space is provided within the application site any cars parking on the site would have to reverse onto the road. However at present this occurs for the existing property and a neighbouring property that also has vehicular access across the open space. The introduction of one additional vehicle reversing across the open space is not considered to introduce significant highway safety concerns upon that which exists at present.
- 6.4.3. Access for the storage of cycles and refuse to the rear of the property is provided via a side access path which is considered to be sufficient in size to move such items over.
- 6.4.4. As such it is considered that the development would not result in a detrimental impact on highway safety in accordance with Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026 as well as Policy TRANS1 of the WBDLP of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

6.5 Other Matters

Developer Contributions

- 6.5.1. The following developer contributions are sought to mitigate the impact of the development on local infrastructure and services:
- | | |
|---------------------|---------|
| ◆ Education | £445.91 |
| ◆ Transport | £2000 |
| ◆ Open Space | £1404 |
| ◆ Libraries | £194 |
| ◆ Health Care | £131 |
| ◆ Adult Social Care | £512 |

Sustainable Construction and Energy Efficiency

- 6.5.2. Recently adopted Policy CS15 of the West Berkshire Core Strategy 2006-2026 requires new residential development such as this to achieve Code for Sustainable Homes Level 3. A pre-assessment estimator has been submitted demonstrating that the proposed dwelling is likely to achieve Level 3 and as such the application is

considered to accord with Policy CS15 of the West Berkshire Core Strategy 2006-2026.

National Planning Policy Framework

6.5.3 The NPPF places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal. The proposed scheme is considered to be in a sustainable location and would not adversely impact upon the environmental and social sustainability for the reasons detailed above. The economic aspect of the proposal is considered to be limited. As these have been found acceptable the development is considered to constitute sustainable development in accordance with the NPPF.

7. Conclusion

7.1 Having taken account of all the relevant policy considerations and the other material considerations referred to above, it is considered that, although the considerations are finely balanced, the development proposed is considered to be acceptable and a conditional approval is justifiable for the following reasons.

7.2 The proposal is not considered to have an adverse affect on the character and appearance of the area and street scene, the amenities of neighbours or on highway safety. As such the application is considered to accord with National and Local Planning Policies.

8. Full Recommendation

8.1 **DELEGATE** to the Head of Planning and Countryside to **GRANT** planning permission subject to the following conditions and informatives:

8.2 Conditions

Time limit

1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2016 and the National Planning Policy Framework should it not be started within a reasonable time.

Approved plans

2. The development hereby approved shall be carried out in accordance with drawing title numbers MHMG635-01 Rev A, MHMG635-02 Rev A, MHMG635-03 Rev A and the site plan received on 5th October 2012.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against National, Regional and Local Planning Policy.

Samples of materials

3. No development shall commence on site until samples of the materials to be used in the development hereby permitted have been approved in writing by the Local Planning Authority. Samples shall be made available to be viewed at the site. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2016.

Fencing and enclosures

4. No development or other operations shall commence on site until a scheme of fencing and other means of enclosure to be erected on the site has been submitted to and approved in writing by the Local Planning Authority and no buildings shall be occupied before the fencing and other means of enclosure have been erected to the satisfaction of the Local Planning Authority.

Reason: The fencing and other means of enclosure are essential elements in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2016.

Hard surfaces

5. No development shall commence on site until a scheme for the means of treatment of the hard surfaced areas of the site has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied before the hard surfaced areas have been constructed in accordance with the approved scheme.

Reason: In the interests of visual amenity, in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2016.

Landscaping

6. No development or other operations shall commence on site until a detailed scheme of landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

- a) Completion of the approved landscape scheme within the first planting season following completion of development.
- b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

The landscaping shall be carried out in accordance with the approved scheme.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2016.

Sustainable Drainage

7. No development shall take place until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. These details shall be informed by an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the Technical Guidance to the National Planning Policy Framework, and the results of this assessment shall be provided to the Local Planning Authority. No dwelling hereby permitted shall be occupied until the approved surface water drainage works have been provided in accordance with the approved details. Where a sustainable drainage system is to be provided, the submitted details shall:
 - (a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
 - (b) include a timetable for its implementation.

Note: Any paved areas shall be formed of permeable paving.

Reason: The development must ensure that the design and locations of the SuDS provisions are adequate and maintainable and will provide adequate flood protection to this property and the surrounding area in accordance with National Planning Policy Framework (March 2012) and Policies CS14 and CS16 of the West Berkshire Core Strategy 2006-2026.

Parking in accord with plans

8. The development hereby permitted shall not be occupied until the vehicle parking spaces have been surfaced and properly provided in accordance with the approved plans. The parking spaces shall thereafter be kept available for parking (of private motor vehicles and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with Policy CS13 of the West Berkshire Core Strategy 2006 - 2016.

Cycle parking

9. The development hereby approved shall not be occupied until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles in accordance with Policies CS13 and CS15 of the West Berkshire Core Strategy 2006 - 2016.

Hours of work

10. The hours of work for all contractors for the duration of the site development shall, unless otherwise agreed by the Local Planning Authority in writing, be limited to:

7.30am to 6.00pm on Mondays to Fridays 8.30am to 1.00pm on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 - 2016.

No additions or extensions

11. Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent revision), no additions or extensions to the dwelling shall be built or ancillary buildings or structures erected within the curtilage, unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

Reason: To prevent the over-development of the site and to safeguard the amenities of neighbouring properties in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2016.

8.3 Informatives

1. This Decision Notice must be read in conjunction with the terms of a Legal Agreement of the (date to be inserted upon completion). You are advised to ensure that you have all the necessary documents before development starts on site.
2. The Highways (Planning) Manager, West Berkshire District Council, Highways and Transport, Council Offices, Market Street, Newbury RG14 5LD, telephone 01635 519169, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks notice, to obtain details of underground services on the applicants' behalf.
3. The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

4. The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
5. The decision to grant planning permission has been taken because the development is in accordance with the development plan and would have no significant impact on the character and appearance of the area or the residential amenities of the occupants of the adjacent dwellings. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service or the Council website.
6. All bats are protected by The Wildlife and Countryside Act 1981 (WCA) (as amended) & [The Conservation of Habitats and Species Regulations 2010](#). Should you find bats during development, all work must stop until advice has been sought from Natural England. Their local contact number is 0300 060 3886.
7. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

Alternative Recommendation

Should the legal agreement not be completed by 13th February 2013 to **DELEGATE** to the Head of Planning & Countryside to **REFUSE PLANNING PERMISSION**, where expedient, for the following reason:-

The development fails to provide an appropriate scheme of works or off site mitigation measures to accommodate the impact of development on local infrastructure, services or amenities or provide an appropriate mitigation measure such as a planning obligation. The proposal is therefore contrary to government advice, Policy CC7 of the South East Plan, The Regional Spatial Strategy for South East England 2006-2026 May 2009 and Policy CS5 West Berkshire Core Strategy 2006-2026 as well as West Berkshire District Council's adopted SPG4/04 – Delivering Investment from Sustainable Development.

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